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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

FRANCISCO RODRIGUEZ-RINCON,

Defendant.

No. 3:25-cr-00025-SLG-MMS

UNOPPOSED MOTION TO DISMISS WITHOUT PREJUDICE

COMES NOW the United States of America, by and through undersigned counsel, hereby requests leave of the court to dismiss the Indictment at docket 2, pursuant to Fed. R. Crim. P. 48(a). The defendant remains in the custody of Immigration and Customs Enforcement (ICE) outside of the District of Alaska, detained pursuant to ICE's authority pending the resolution of his immigration proceedings. 8 U.S.C. § 1231(a)(2) (providing mandatory detention based on final order of removal). Unnecessary cost, logistical challenge, and delay associated with parallel proceedings in different geographic

venues may be avoided by dismissal at this time. The indictment should be dismissed without prejudice. *United States v. Brown*, 425 F.3d 681, 682 (9th Cir. 2005) (“Dismissals by the government are generally presumed to be without prejudice.”); *see also United States v. Taylor*, 487 U.S. 326, 343 (1988).

Undersigned counsel has conferred with defense counsel, who does not oppose this motion.

RESPECTFULLY SUBMITTED June 13, 2025 at Anchorage, Alaska.

MICHAEL J. HEYMAN
United States Attorney

s/ Seth Brickey
SETH BRICKEY
Assistant United States Attorney
United States of America

CERTIFICATE OF SERVICE

I hereby certify that on June 13, 2025 a true and correct copy of the foregoing was served electronically on all counsel of record.

s/ Seth Brickey